

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ MAY 11 2001 ★

**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIKO UENO and HENRY OLISA,

Plaintiffs,

- against -

BIAGIO and PHYLLIS NAPOLITANO,

Defendants.  
-----X

04 CV 1873 (SJ) (VVP)

**MEMORANDUM  
AND ORDER**

**A P P E A R A N C E S**

ANTI-DISCRIMINATION CENTER  
OF METRO NEW YORK, INC.

299 Broadway, Suite 1820  
New York, NY 10007

By: Richard F. Bellman, Esq.  
Craig Gurian, Esq.

Attorney for Plaintiffs

LAW OFFICES OF THANIEL J. BEINERT

155 Bay Ridge Ave  
Brooklyn, NY 11220

By: Marc A. Merolesi  
Thaniel J. Beinert

Attorneys for Defendants

MAXWELL KATES, INC.

9 East 38th Street, 6<sup>th</sup> Floor  
New York, NY 10016

By: Michael R. Bogart, Esq.  
Attorney for Defendants

Johnson, Senior District Judge:

Presently before the Court is a Report and Recommendation ("Report") prepared by Magistrate Judge Viktor V. Pohorelsky.<sup>1</sup> Judge Pohorelsky filed the Report on April 17, 2007, and provided the parties with the requisite amount of time to file any objections. No objections were filed. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned above, no objections to the Report were filed within the allotted time period. After reviewing the Report, the Court affirms and adopts the

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<sup>1</sup> The Court thanks Judge Pohorelsky for his work in this regard.

Report in its entirety. Plaintiffs are granted \$47,431 in attorneys' fees and \$641 in related costs and expenses. With respect to injunctive relief, the Court imposes the following injunctions for a period of three years from the date this Order is filed:

(1) a prohibitory injunction barring Defendants from engaging in future acts of housing discrimination; and (2) an affirmative injunction requiring Defendants (a) to give notice to the Anti-Discrimination Center of any vacancies in their rental properties ten (10) business days before they show the properties to anyone, (b) to accept rental applications from persons referred by the Anti-Discrimination Center, and (c) for each referral to whom a rental is not offered, to provide to the Anti-Discrimination Center a written statement of the reasons for the rejection within ten (10) business days after the application has been submitted.

The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: May 4, 2007  
Brooklyn, NY

/S/(SJ)  
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Senior/United States District Judge